

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 4319 of 2006(L)

PETITIONER:

MANANTHAVADY TRIBAL PLANTATION
CO-OPERATIVE SOCIETY, PRIYADARSHINI TEA ESTATE,
MANANTHAVADY, WYNAD, REPRESENTED BY ITS
SECRETARY.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

1. THE REGIONAL PROVIDENT FUND
COMMISSIONER EMPLOYEES PROVIDENT FUND ORGANISATION
SUBREGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
P.B.NO.1806, ERANHIPPALA PO,
KOZHIKODE 673 006.
2. THE RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, KOZHIKODE.
3. THE STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT SC/ST
DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

G.P. SHRI.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- P1. COPY OF THE NOTICE DATED 1.2.05.
- P2. COPY OF THE ORDER OF ATTACHMENT.
- P3. COPY OF THE LETTER DTD.22.3.2005 TO THE CHIEF MINISTER.
- P4. COPY OF THE LETTER TO R3 DTD.8.4.05.
- P5. COPY OF THE COMMUNICATION DTD.165.4.2005.
- P6. COPY OF THE NOTICE DATED 23.12.2005.
- P7. COPY OF THE LETTER BY R3 TO R2 DTD.7.1.2006.
- P8. COPY OF THE LETTER DTD.16.1.1006 BY R2.
- P9. COPY OF THE LETTER DTD.7.2.2006.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.4319 of 2006

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Dated this the 4th day of June, 2007

J U D G M E N T

The petitioner is a co-operative society from whom the Provident Fund Organization has demanded dues under the Employees' Provident Funds and Miscellaneous Provisions Act. On the basis of the interim orders of this court, substantial amounts have already been paid. The petitioner seeks permission to pay the balance amount in instalments.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the Provident Fund Organization.

3. Taking into account the facts and circumstances of the case, there would be a direction to the 1st respondent to permit the petitioner to pay the balance amount due in 10 equal monthly instalments starting from 2.7.2007.

Every subsequent instalment shall be paid on the first working day of every subsequent month. If the petitioner pays the instalments, further proceedings for recovery shall be kept in abeyance. If the petitioner defaults in payment of any one instalment, it would be open to the respondents to take further proceedings for recovery without having to issue any fresh notice or proceedings in that regard. Since I am setting aside the sale on the above condition, the 1st respondent shall return the amount deposited by the auction purchaser with interest, which interest shall also be borne by the petitioner.

Writ petition is disposed of as above.

Sd/-

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S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.

